

USTED ESTA ORDENADO COMPARECER EN Arbitration Hearing 1880 JFK Blvd. 5th fl. at 09:15 AM - 06/01/2015  
You must still comply with the notice below. USTED TODAVIA DEBE CUJPLIR CON EL AVISO PARA DEFENDERSE.  
This matter will be heard by a Board of Arbitrators at the time, date and place specified but, if one or more parties is not present at the hearing, the matter may be heard at the same time and date before a judge of the court without the absent party or parties.  
There is no right to a trial de novo or appeal from a decision entered by a Judge.

**CHRISTOPHER L. GIDDINGS, P.C.**

**ATTORNEYS FOR PLAINTIFF**

By: Joseph LaRosa, Esquire  
Attorney Identification No.: 309294  
3000 Market Street, Suite 201  
Philadelphia, PA 19104  
(215) 243-3450

Filed and Attested by  
PROTHONOTARY  
29 AUG 2014 10:58 am  
D. SAVAGE

**LOPEZ McCRAY**

207 Sheas Terrace  
Ardmore, PA 19003

Plaintiff,

vs.

**SHERMAN TOPPIN, ESQUIRE**

1800 JFK Blvd., Suite 300  
Philadelphia, PA 19103-7402

Defendant.

COURT OF COMMON PLEAS

OF PHILADELPHIA COUNTY

AUGUST TERM, 2014

No.:

### COMPLAINT - CIVIL ACTION

#### NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

*You should take this paper to your attorney at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.*

Philadelphia Bar Association  
Lawyer Referral and Information Service  
One Reading Center  
Philadelphia, Pennsylvania 19107  
(215) 238-6333

#### AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

*Lleva esta demanda a un abogado inmediatamente. Si no tiene abogado o si no tiene el dinero suficiente de pagar tal servicio, vaya en persona o llame por teléfono a la oficina cuya dirección se encuentra escrita abajo para averiguar donde se puede conseguir asistencia legal.*

Asociacion de Licenciados de Filadelfia  
Servicio de Referencia e Informacion Legal  
One Reading Center  
Filadelfia, Pennsylvania 19107  
(215) 238-6333

**NOTICE TO PLEAD**

**To Defendant Sherman Toppin:**

You are hereby notified to file a written response to the enclosed Complaint within twenty (20) days from the date of service hereof or a judgment may be entered against you.

\_\_\_\_\_  
Attorney for Plaintiff

ATTORNEYS FOR PLAINTIFF

**CHRISTOPHER L. GIDDINGS, P.C.**

By: Joseph LaRosa, Esquire  
Attorney Identification No.: 309294  
3000 Market Street, Suite 201  
Philadelphia, PA 19104  
(215) 243-3450

**LOPEZ McCRAY**

207 Sheas Terrace  
Ardmore, PA 19003  
Plaintiff,

vs.

**SHERMAN TOPPIN, ESQUIRE**

1800 JFK Blvd., Suite 300  
Philadelphia, PA 19103-7402  
Defendant.

COURT OF COMMON PLEAS

OF PHILADELPHIA COUNTY

AUGUST TERM, 2014

No.:

**COMPLAINT CIVIL ACTION**  
**ALLEGATIONS COMMON TO ALL COUNTS**

1. Plaintiff, Lopez McCray, is an adult individual who resides at the address set forth in the caption above.

2. Defendant, Sherman Toppin, Esquire is an adult individual and attorney who owns and operates Sherman Toppin Real Estate, LLC, and Sherman Toppin Law Firm, LLC, among other businesses, at his office at 1800 John F. Kennedy Blvd., Suite 300, Philadelphia, PA 19103-7402.

3. Defendant, Sherman Toppin, Esquire, is an attorney and the President, Owner, and/or Operator of, most importantly for this case, Sherman Toppin Real Estate, LLC. He is also the President/Owner/Operator of Sherman Toppin General Contracting, LLC; Sherman Toppin Law Firm, LLC; Sherman Toppin Mortgage and Funding, LLC; Sherman Toppin, LLC; and Sherman Toppin Title & Abstract LLC. *Attached hereto as Exhibit A is a printout from the*

*Pennsylvania Dept. of State Corporations Bureau.*

4. On April 25, 2011, Plaintiff Lopez McCray filed a complaint for damages sustained in a slip and fall accident against multiple defendants, including an entity owned by Defendant, Sherman Toppin, Esquire, entitled Sherman Toppin Real Estate, LLC. This matter was captioned by the Philadelphia Court of Common Pleas as April Term, 2011, No. 2634.

5. On September 12, 2012, a bench trial was held before the Honorable Mark I. Bernstein of this Court, and on November 19, 2012, Judge Bernstein entered an Order in favor Plaintiff Lopez McCray and against Sherman Toppin Real Estate, LLC, for \$25,000.00.

*Attached hereto as Exhibit B is a true and correct copy of the Judgment.*

6. Sherman Toppin Real Estate, LLC, appealed this judgment to the Superior Court, however, the Superior Court affirmed the decision of the trial court and upheld the judgment.

7. On September 12, 2012, minutes before the bench trial was to begin in the Philadelphia Court of Common Pleas, Defendant, Sherman Toppin, Esquire, proposed a settlement of five thousand dollars (\$5,000.00) and stated “even if you win, you will not collect because I am winding down the business.” This settlement offer was rejected and Plaintiff prevailed at trial, obtaining the \$25,000.00 judgment.

8. After the Superior Court decision was handed down, Plaintiff’s counsel engaged in discussions with Defendant, Sherman Toppin, Esquire, and Defendant indicated that he does not think this judgment is valid and he is unwilling to pay. Furthermore, even if he thought the judgment were valid, Sherman Toppin Real Estate, LLC, has no cash, assets, or insurance to cover the judgment and is, therefore, unable to pay.

9. After reasonable investigation, and upon information and belief, Sherman Toppin Real Estate, LLC, has zero assets from which to collect this judgment, requiring this action



before the Court.

10. The subject matter of this suit involves the non-payment of a debt obtained in this Court, and Defendant does systematic and continuous business in the City of Philadelphia, therefore venue is appropriate pursuant to Pa.R.C.P. 1006.

### **COUNT I – FRAUDULENT CONVEYANCE**

11. Plaintiff repeats the allegations contained in paragraphs one (1) through ten (10) of the Complaint and incorporates them by reference herein as if pleaded at length.

12. Defendant violated the Pennsylvania Uniform Fraudulent Conveyance Act, 12 Pa.C.S.A. § 5101 *et seq.*

13. It is specifically alleged that Defendant personally conveyed assets and/or cash from Sherman Toppin Real Estate, LLC, to another entity he controlled and/or himself, while being fully aware of a pending lawsuit in which Sherman Toppin Real Estate, LLC, had significant exposure and no insurance coverage.

14. This conveyance is evidenced by, among other things, the statement by Defendant that he was “winding down” the business so that Plaintiff could not collect any judgment obtained, as averred in Paragraph 6.

15. Defendant did, in violation of the statute:

a) with actual intent to hinder, delay and/or defraud Plaintiff, and potentially others in a similar position to Plaintiff, and/or;

b) without receiving a reasonably equivalent value in exchange for the transfer or obligation, and the debtor was engaged or was about to engage in a transaction for which the remaining assets of the debtor were unreasonably small in relation to transaction.

16. This action is authorized by 12 Pa.C.S.A. §5107(a)(iii).

**WHEREFORE**, Plaintiff respectfully requests that judgment be entered in his favor and against the defendant, Sherman Toppin, in an amount not in excess of fifty thousand dollars (\$50,000.00), together with delay damages, interest and costs according to law.

### **COUNT II – PEIRCE THE CORPORATE VEIL**

17. Plaintiff repeats the allegations contained in paragraphs one (1) through sixteen (16) of the Complaint and incorporates them by reference herein as if pleaded at length.

18. Plaintiff, as referenced *supra*, obtained a valid judgment with the Philadelphia Court of Common Pleas in the amount of \$25,000.00 against Sherman Toppin Real Estate LLC. *See, Exhibit A.*

19. Defendant, Sherman Toppin, Esq., is the President, Owner, and/or Operator of, most importantly for this case, Sherman Toppin Real Estate, LLC, among other businesses. *See, Paragraph 3 for more comprehensive list of Defendant's businesses.*

20. Sherman Toppin Real Estate, LLC, is a limited liability company that, as stated by the Defendant, has no assets which can be used to pay its debts.

21. It is specifically alleged that Sherman Toppin Real Estate, LLC, is an intentionally undercapitalized entity with outstanding judgments, and that public policy and the interests of justice demand that this Court treat the limited liability company and the individual who solely owns the LLC as one in the same, so that the rights of the innocent Plaintiff are not prejudiced to specifically forbid the collection of the judgment of this Court.

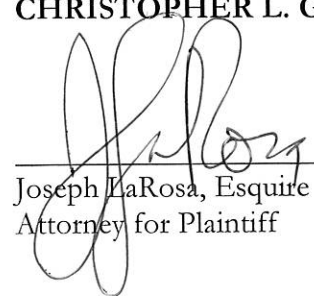
22. Plaintiff, Lopez McCray, asks this Court to transfer the judgment he holds against Sherman Toppin Real Estate, LLC, to the individual, and Defendant in this action, Sherman Toppin, as justice demands.

**WHEREFORE**, Plaintiff respectfully requests that judgment be entered in his favor and against the defendant, Sherman Toppin, in an amount not in excess of fifty thousand dollars (\$50,000.00), together with delay damages, interest and costs according to law.

**CHRISTOPHER L. GIDDINGS, P.C.**

Dated: August 28, 2014

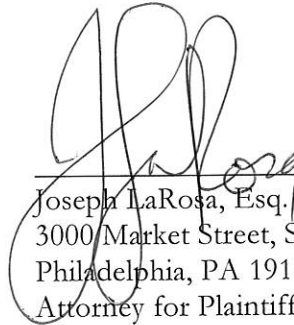
By: \_\_\_\_\_

  
Joseph LaRosa, Esquire  
Attorney for Plaintiff

VERIFICATION

Joseph LaRosa, Esquire, hereby states he is the attorney for the Plaintiff, Lopez McCray, in this action and verifies the statements made in the foregoing pleading are true and correct, to the best of his knowledge, information and belief. The undersigned understands that the statements there in are made subject to the penalties of 18 Pa. C.S. 4904, relating to unsworn falsification to authorities.

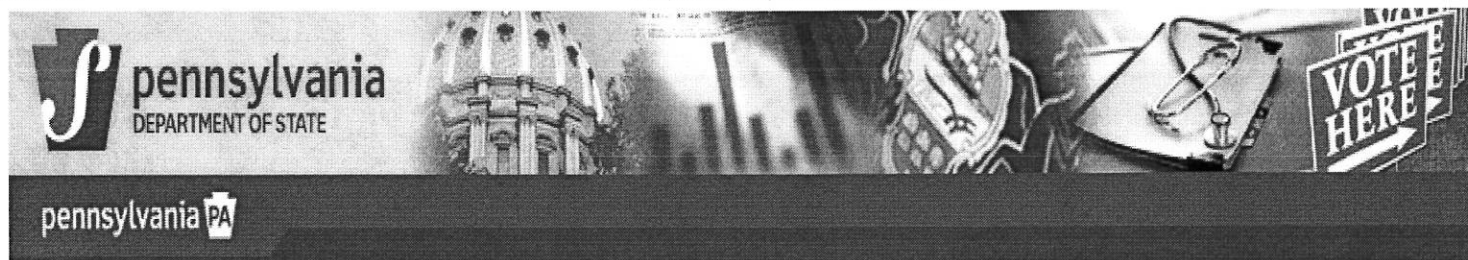
DATE: August 28, 2014



\_\_\_\_\_  
Joseph LaRosa, Esq.  
3000 Market Street, Suite 201  
Philadelphia, PA 19104  
Attorney for Plaintiff

# EXHIBIT A





## Corporations

[Online Services](#) | [Corporations](#) | [Forms](#) | [Contact Corporations](#) | [Business Services](#)

Search  
By Business Name  
By Business Entity ID

Search Type: Starting With

Search Criteria: Sherman Toppin

Search Date: 8/29/2014

Search Time: 10:29

Verify  
Verify Certification  
Online Orders

Click on the Business Entity Name or Entity Number to view more information.

Register for Online  
Orders  
Order Good Standing  
Order Certified Documents  
Order Business List  
My Images  
Search for Images

Business Entity Name	Entity Number	Type	Status	Entity Creation Date
SHERMAN TOPPIN GENERAL CONTRACTING LLC	3708983	Limited Liability Company	Active	2/16/2007
SHERMAN TOPPIN LAW FIRM LLC	3782920	Professional Limited Liability Company	Active	1/18/2008
SHERMAN TOPPIN LLC	3217610	Professional Limited Liability Company	Active	4/22/2004
SHERMAN TOPPIN MORTGAGE & FUNDING LLC	3708987	Limited Liability Company	Active	2/16/2007
SHERMAN TOPPIN REAL ESTATE LLC	3666724	Limited Liability Company	Active	8/7/2006
SHERMAN TOPPIN TITLE & ABSTRACT LLC	3709009	Limited Liability Company	Active	2/16/2007
SHERMANTOPPIN LLC	3939144	Fictitious Names	Active	3/4/2010

Records Revealed 1 to 7 Only

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[Privacy Policy](#) | [Security Policy](#)

Case ID: 140803893

# EXHIBIT B

**CHRISTOPHER L. GIDDINGS, P.C.**

By: Joseph LaRosa, Esquire  
Attorney Identification No.: 309294  
3000 Market Street, Suite 201  
Philadelphia, PA 19104  
(215) 243-3450

ATTORNEYS FOR PLAINTIFF

Filed and Attested by  
PROTHONOTARY  
05 MAR 2013 04:10 pm  
P. MARTIN

**LOPEZ McCRAY**

Plaintiff,

vs.

**LAWRENCE STREET ASSOCIATES, LLC**

and

**IS LAWRENCE STREET**

and

**ISAF, LP**

and

**SHERMAN TOPPIN REAL ESTATE, LLC**

Defendants.

COURT OF COMMON PLEAS  
OF PHILADELPHIA COUNTY

APRIL TERM, 2011

No.: 2634

**PRAECIPE TO ENTER JUDGMENT**

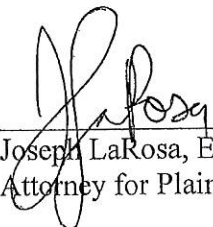
TO THE PROTHONOTARY:

Please enter the judgment of the attached award of the Honorable Mark I. Bernstein in favor of the Plaintiff, Lopez McCray, and against the Defendants, Sherman Toppin Real Estate and Lawrence Street Associates, LLC, jointly and severally, in the amount of \$25,000.

**CHRISTOPHER L. GIDDINGS, P.C.**

Dated: **March 5, 2013**

By:

  
\_\_\_\_\_  
Joseph LaRosa, Esquire  
Attorney for Plaintiff

Case ID: 110402634

Case ID: 140803893

COMMON PLEAS COURT OF PHILADELPHIA  
TRIAL DIVISION - CIVIL  
TRIAL WORKSHEET

Event: _____ at _____ in _____	
Scheduled: ____/____/____ JURY AA - ARBITRATION APPEAL	
Judge's Name: <u>Mark L. Bernstein</u>   326	Signature: <u>[Signature]</u>
Caption: MCCRAY VS LAWRENCE STREET ASSOCIATES ETAL	
Term and Number: #1104-02634	If Consolidated: _____ Term and Number(s) _____
Case Type: 2V - <del>MOTOR</del> <u>VEHICLE</u> <u>ACCIDENT</u>	<u>Fall</u>
TRIAL DATE: <u>9/12/12</u>	ACTUAL: <input checked="" type="checkbox"/> JURY <input checked="" type="checkbox"/> NON-JURY
TOTAL AMOUNT: <u>\$25,000.00</u>	NUMBER OF DAYS: <u>1 day</u>
DATE SHEET PREPARED: <u>11/16/12</u>	
Disposition Date: <u>11/16/12</u>	
FULL DESCRIPTION OF DISPOSITION (To Be Entered VERBATIM On The Docket): <u>The Court finds for Plaintiff and against Defendants STRE and Lawrence Street in the amount of \$25,000.00</u> <u>See Attached Opinion</u>	

- |   |   |
|---|---|
| <input type="checkbox"/> DEFAULT JUDGMENT/COURT ORDERED   | <input type="checkbox"/> JURY VERDICT FOR PLAINTIFF                                 |
| <input type="checkbox"/> DISPOSITIVE MOTION GRANTED       | <input type="checkbox"/> JURY VERDICT FOR DEFENDANT                                 |
| <input type="checkbox"/> DIRECTED VERDICT                 | <input type="checkbox"/> MISTRIAL   |
| <input type="checkbox"/> DISCONTINUANCE ORDERED           | <input type="checkbox"/> HUNG JURY  |
| <input type="checkbox"/> DISCONTINUE/TRANSFER BINDING ARB | <input type="checkbox"/> NON-PROS ENTERED   |
| <input type="checkbox"/> FINDING FOR DEFENDANT            | <input type="checkbox"/> NON-SUIT ENTERED   |
| <input checked="" type="checkbox"/> FINDING FOR PLAINTIFF | <input type="checkbox"/> SETTLED PRIOR TO ASSIGNMENT FOR TRIAL (TEAM LEADERS, only) |
| <input checked="" type="checkbox"/> DAMAGES ASSESSED      | <input type="checkbox"/> SETTLED AFTER ASSIGNMENT FOR TRIAL                         |
| <input type="checkbox"/> JUDGMENT ENTERED BY AGREEMENT    | <input type="checkbox"/> TRANSFERRED TO OTHER JURISDICTION                          |
| <input type="checkbox"/> JUDGMENT ENTERED                 | <input type="checkbox"/> OTHER (EXPLAIN) _____                                      |

(CONTINUED NEXT PAGE)

Mccray Vs Lawrence Stre-WSFFP

DOCKETED  
COMPLEX LIT CENTER

NOV 19 2012

J. STEWART



11040263400049